

## Message Text

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43

ACTION DLOS-04

INFO OCT-01 EA-07 IO-10 ISO-00 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FEAE-00 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 /111 W

----- 077472

R 260940Z AUG 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 5432

INFO AMEMBASSY TOKYO

USUN NEW YORK 2290

C O N F I D E N T I A L GENEVA 6596

E.O. 11652: GDS

TAGS: PLOS

SUBJ: LOS: MILATERAL CONSULTATIONS WITH JAPAN ON COMTE III TEXT

1. SUMMARY. US AND JAPANESE LOS TEAMS MET AUG 20 TO COORDINATE AMENDMENTS TO MARINE POLLUTION SINGLE TEXT IN PREPARATION FOR GROUP OF SEVENTEEN AND EVENSEN GROUP. AGREEMENT REACHED ON MOST ISSUES, BUT DIFFERENCES REMAIN ON PORT STATE ENFORCEMENT AND COASTAL STATE STANDARDS IN THE TERRITORIAL SEA.

2. US TEAM HEADED BY AMB. JOHN NORTON MOORE AND INCLUDING AMB. CLINGAN, STUART FRENCH (DOD), ADM. MAX MORRIS (OJCS), TERRY LEITZELL (STATE) AND DAVE COOK (CEQ) MET WITH JAPANESE TEAM HEADED BY AMB. OGISO INCLUDING COMMITTEE III REP IKEDA AND MRS. H. KUROKOCHI TO COORDINATE VIEWS ON PACKAGE OF AMENDMENTS TO THE SINGLE TEXT OF MARINE POLLUTION.

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3. DISCUSSIONS RESULTED IN GENERAL AGREEMENT ON MOST OF PACKAGE OF AMENDMENTS TO SINGLE TEXT AS PROPOSED BY THE US WITH THE FOLLOWING PRINCIPAL AREAS OF DISAGREEMENT.

4. ON ENFORCEMENT OF INTERNATIONAL VESSEL POLLUTION DISCHARGE STANDARDS, JAPANESE INDICATED SUPPORT FOR ZONE OF NO MORE THAN 50 MILES INCLUDING ARREST POWER, BUT AGREED NOT TO PUSH IN EVEN SEN GROUP SO AS NOT TO UNDERCUT MARITIME STATE TACTICS. JAPAN INDICATED IT COULD ACCEPT SOME FORM OF PORT STATE ENFORCEMENT, ALTHOUGH IT PREFERS TO HAVE NONE. JAPAN SUPPORTS BOTH AN AREA LIMITATION AND FLAG STATE PREEMPTION IN ANY PORT STATE REGIME, BUT WILL REVIEW ITS POSITION IN LIGHT OF DISCUSSION IN GROUP OF 17. AREA LIMITATION WOULD BE SAME AS LIMITATION ON COASTAL STATE ENFORCEMENT.

5. ON THE TERRITORIAL SEA, JAPANESE CONTINUED TO OPPOSE COASTAL STATE DESIGN, CONSTRUCTION EQUIPMENT AND MANNING STANDARDS. HOWEVER, THEY INDICATED THEY WOULD CONSIDER ASKING TOKYO FOR AUTHORITY TO ACCEPT "ENDEAVOR TO CONFORM" COMPROMISE IN ARTICLE 20 (3) IF REST OF GROUP OF 17 AGREES.

6. ON DUMPING, JAPANESE EXPRESSED DOUBTS ABOUT 1972 DUMPING CONVENTION DEFINITION OF DUMPING BECAUSE OF UNCERTAINTY CONCERNING ITS APPLICATION TO DISPOSAL OF FISH WASTES INCIDENTAL TO FISHING AND ON-SITE PROCESSING. IN VIEW OF THEIR DOUBTS ABOUT DEFINITION, THEY WERE UNWILLING TO GIVE COASTAL STATE CONTROL OVER DUMPING THROUGHOUT ENTIRE ECONOMIC ZONE. FOR EPA: REQUEST INFORMATION REGARDING US PRACTICE CONCERNING APPLICATION OF OCEAN DUMPING REQUIREMENTS TO FISHING-RELATED OPERATIONS.

7. OTHER DISAGREEMENTS WITH JAPANESE CONCERNED THEIR OPPOSITION TO ADDITIONAL DESIGN, CONSTRUCTION AND EQUIPMENT STANDARDS FOR SPECIAL AREAS, EVEN IF ADOPTED THROUGH NORMAL IMCO PROCESS; THEIR OPPOSITION TO A

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PORT STATE DUTY TO INVESTIGATE POSSIBLE VIOLATIONS BY VESSELS IN PORT; AND THEIR SUPPORT FOR THE "VOLUNTARILY" IN PORT CONDITION TO PORT STATE ENFORCEMENT. AGREEMENT WAS REACHED ON OTHER ISSUES IN LINE WITH US PROPOSALS.

8. COMMENT. DISCUSSIONS WERE PRODUCTIVE AND ENABLED CLOSE COORDINATION ON MOST OF PACKAGE AMENDMENTS TO

SINGLE TEXT. DIFFERENCES WERE LARGELY THOSE ON PORT  
STATE ENFORCEMENT AND SHIP CONSTRUCTION STANDARDS IN  
THE TERRITORIAL SEA ON WHICH WE HAVE HAD CONTINUING  
DIFFERENCES.DALE

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
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**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW OF THE SEA, WATER POLLUTION, AGREEMENT DRAFT, MEETINGS, AMENDMENTS  
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**Copy:** SINGLE  
**Draft Date:** 26 AUG 1975  
**Decaption Date:** 01 JAN 1960  
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**Disposition Approved on Date:**  
**Disposition Authority:** CunninFX  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**TAGS:** PLOS, US, JA  
**To:** STATE  
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